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Bar #5-1720

UNITED STATES DISTRICT COURT
DISTRICT OF WYOMING

THE UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
V.)	Case No. 23-PO-00382-SAH
)	
PETER SMITH,)	
)	
Defendant.)	

MOTION FOR BILL OF PARTICULARS

Peter Smith, by and through his lawyer Robert W. Horn, P, C., asks the Court to compel the Government to provide a Bill of Particulars specifying, in detail, the foundation upon which the charge of the use of an airplane in violation of Federal Aviation Administration (FAA) regulations is based.

1. Peter Smith is charged with violation of 36 CFR §2.17 (a)(1) and (d) which provide:
 - (a) The following acts are prohibited:
 - (1) Operating or using aircraft on lands or waters other than at locations designated pursuant to special regulations.
 - (d) The use of aircraft shall be in accordance with regulations of the Federal Aviation Administration. Such regulations are adopted as a part of these regulations.
2. The particulars sought to be obtained by this Motion are essential for the proper preparation of the defense of Peter Smith.
3. Peter Smith asks that these particulars be revealed by the Government:

- A. The specific FAA regulation(s) violated by Peter Smith on June 23, 2023.
 - B. The manner and method by which Peter Smith is alleged to have violated the specific FAA regulation(s).
 - C. The “special regulations” referred to in §2.17 (a)(1) in effect on June 23, 2023, which designated locations where operation of aircraft on lands or waters was permitted.
 - D. The precise time and location where the alleged violation(s) of FAA regulation(s) occurred.
 - E. Precise weather conditions at the time and location where the alleged violation(s) of FAA regulation(s) occurred.
 - F. The manner and method by which a report was provided to law enforcement that a helicopter had landed at Moran Bay in Grand Teton National Park.
 - G. The names and addresses of all persons who observed the alleged violation of FAA regulation(s) by Peter Smith on June 23, 2023.
 - H. Identification of all law enforcement personnel who observed violation(s) of FAA regulation(s) or participated in investigating violation(s) of FAA regulations by Peter Smith.
 - I. The names, addresses and statements of all witnesses who observed violation(s) of FAA regulation(s) by Peter Smith.
4. Without these particulars being revealed by the Government, Peter Smith is unable to adequately and properly proceed to trial because he will have been deprived of his right to due process of law and effective assistance of counsel guaranteed by the Fifth and Sixth Amendments to the Constitution of the United States.

WHEREFORE, Peter Smith asks that the Court compel the Government to provide an effective Bill of Particulars revealing the specifics of these alleged offenses.

Dated August 22, 2023.

BY: /RWH/
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CERTIFICATE OF SERVICE

This certifies that on August 22, 2023, a true and correct copy of the foregoing was served by placing a copy in the U. S. Mail, postage prepaid and appropriately addressed as follows or sent by email or FAX as indicated below.

Ariel Calmes
P. O. Box 703
Yellowstone National Park, Wyoming 82190-0703

/RWH/